

**EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Eugene Division

ELIZABETH HUNTER, et al.,

Plaintiffs,

v.

No. 6:21-CV-00474-AA

U.S. DEPARTMENT OF EDUCATION, EXPERT DECLARATION OF  
et al., SHIRLEY HOOGSTRA

Defendants,

v.

COUNCIL FOR CHRISTIAN  
COLLEGES & UNIVERSITIES,  
WESTERN BAPTIST COLLEGE d/b/a  
CORBAN UNIVERSITY, WILLIAM  
JESSUP UNIVERSITY AND  
PHOENIX SEMINARY,

Defendants-Intervenors.

I, Shirley Hoogstra, declare that I am an adult of sound mind and make this statement voluntarily, based upon my own personal knowledge, education, and experience.

**OPINION**

1. I am the president of the Council for Christian Colleges & Universities, and have served in this capacity for seven years. Since 1976, the CCCU has served as the leading national voice of Christian higher education, with 185 campuses across the

globe, including more than 150 in North America. Prior to my role at CCCU, I was Vice President of Student Life for 15 years at a Christian college in the Midwest. In both of these capacities, I have amassed a knowledge base regarding the interaction between Christian educational leadership, students and LGBT+ concerns.

2. As a Vice President of Student Life, I engaged the topic of faith and LGBT+ students in numerous ways. Under my direction there was a sexuality series that brought in expert speakers for ten years. In addition, I oversaw the school's mental health resources, Campus Security resources, residence life and student handbook content and compliance. I also oversaw the co-curricular religious practices on a campus of 3500+ students. I worked with individual LGBT+ students both as a mentor and as an advisor.

3. As the president of the CCCU, I have presided over or initiated professional development opportunities to help key leaders understand the needs of LGBT+ students. Under my leadership and direction, CCCU has financially sponsored research on LGBT+ students' beliefs and wellbeing within the Christian college movement. As a Christian administrative educational leader, I have familiarized myself with the experts, resources, and scholarly publications, as well as biblical backgrounds and teachings, that inform policy and decision-making in the important area of Christian college students, gender, and sexuality. I am also familiar with the policies and practices that our member institutions take in this important area.

4. In my experience, the data and reports I rely upon here are the kind of information relied upon by experts in educational administration and people in leadership positions at educational institutions.

5. Based on the authority and insights of the biblical record, the institutional members of the Council on Christian Colleges & Universities celebrate the goodness of creation (Genesis 1:31), recognize the reality of the Fall (Genesis 3:17-19), and pursue the redemptive work of Jesus Christ in bringing about God's purposes (Romans 8:22-23). Christian faith-based institutions acknowledge and celebrate the goodness of God's gift of sexuality, but also acknowledge that divinely-ordained boundaries have been established around that good gift. The Bible affirms that God created people as male and female (Genesis 1:27-28; Matthew 19:4; Mark 10:6), that the male and female marriage union is set up as the biblical standard for sexual intimacy (Genesis 2:24; Matthew 19:4-6; Mark 10:6-9), and that singleness and celibacy are also set up as an ideal (1 Corinthians 7:7-9; Matthew 19:12, 22:30).

6. Christian educational institutions generally believe that sin and brokenness distort all of creation (Genesis 3; Romans 1:18–3:20; 1 Corinthians 6:7-11). This includes all people's experience of sexuality and gender. These institutions hold that the Bible is clear, however, that any sexual activity outside of marriage between a man and a woman is contrary to God's plan for humanity (Leviticus 18:22; 20:13; Acts 15:28-29, alluding to Leviticus 18; Romans 1:24-27; 1 Corinthians 6:9; 1 Timothy 1:10; Jude 6-7; 2 Peter 2:4, 6-8). Also, they generally hold the view that God created people male and female (Genesis 1:26-27; 2:24) and that it is therefore best

to support the distinction between male and female sexes. (Genesis 17:10-11; Leviticus 12:3; Deuteronomy 22:5; Matthew 19:4-6). It is accepted, though, by Christian educational leaders that gender dysphoria is real, and efforts are made to address it compassionately.

7. These positions are rooted deeply in Christian history, back to a time in Greek and Roman history when same-sex activity was culturally and socially acceptable, and have continued unbroken for more than 2,000 years. They should be understood as positions based on age-old Scriptural teaching, rather than merely manifestations of particular social or cultural biases which could be easily or even with some difficulty modified. The Supreme Court has recognized this reality, and ruled that beliefs regarding traditional, heterosexual marriage are “based on decent and honorable religious or philosophical premises.” *Obergefell v. Hodges*, 576 U.S. 644, 672 (2015). The Court underscored the importance of protecting these traditional religious communities, and their convictions on these matters of marriage and family. For example: “[I]t must be emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned.” *Id.* at 679.

8. The leadership of Christian colleges and universities believe that, for students who identify as LGBT+ (as for all students), the admission process, instructional process, and campus life should be welcoming and responsive to student questions, concerns, and needs. For these institutions, the foundational nature of the

university experience is based on a belief in Biblical authority. A Biblical perspective is a standard set for all students, and is generally articulated to each student consistently and clearly. Religious universities generally articulate their beliefs in their welcoming messages to students, and this includes the beliefs and standard expectations for all students, including LGBT+ students, as to the college's standards of sexuality and gender. This would include the review of the Student Behavioral Guidelines or handbook (usually a document available on-line for all students) and the signed agreement for all students indicating their willingness to comply with university guidelines and policy. It would also include guidelines for behavior, including sexual conduct, for all students. These guidelines would be seen by some students, both straight and LGBT+, as counter-cultural.

9. On a religious campus the focus would typically be toward developing a community of believers, faithful to their Biblical perspective, and promoting social and devotional activities, campus organizations, and a dorm life that respectfully honors persons of diversity. Central to a Biblical perspective is the honoring of a person, even when they engage in behaviors that may be counter to the standards of the university. The honoring process is demonstrated most clearly in an act of developing a meaningful relationship, listening before seeking to respond, and loving as Christ has loved each of us – always seeking to help all students, including LGBT+ students, to develop their individual Christian identities in the larger context of the communal Christian fellowship.

10. As noted previously, a Biblical perspective and foundation based on the authority of God's Word is the source for beliefs, decision making and practice for Christian universities. Thus, the ability to practice and carry out policies and practices consistent with the religious belief system of the university is essential to the institution's ability to pursue what it sees as its religious mission. If required to abandon or disavow religious practices, the result would sever the campus from its central identity, and certainly interfere with the development of a full Christian identity among the students. If Plaintiffs are successful in denying LGBT+, minority, and other students access to federal loans and grants to attend religious colleges, these students will be hindered, and perhaps even prevented, from developing the very identities that many of them most urgently seek and value. Many students at religious colleges use the funding they receive to maintain connection and identity with their religious communities. The inability for students of Christian schools to access federal loans and grants would be an unsurmountable financial obstacle to remaining open for many religious universities and colleges, at least in their current configurations. Even more devastating would be the inability for a student to attend a university or college of their choice without amassing untenable personal debt.

11. Traditional beliefs on sexuality and gender at Christian schools do not reflect animus towards LGBT+ identity. Rather, behavior expectations focus on choices and lifestyles that violate the standards and beliefs of traditional religious communities. LGBT+ students are loved and respected on Christian campuses, and their contributions to the campuses they attend are appreciated. A student's LGBT+

identity that requires affirmation of same-sex intimacy will create some inevitable tension when they choose to attend a school that adheres to the traditional sex-related beliefs that the Supreme Court has recognized as legitimate. (The same would be true, of course, if a student wishes the school to affirm other kinds of departures from biblical standards, such as the legitimacy of premarital, heterosexual intimacy.) It is not uncommon for college students to disagree with administrative policy. What is key is that students persist and excel in their academic and social goals regardless of disagreements. This is most likely to occur where all students sense fairness, respect and access to resources to graduate.

12. The findings of the REAP study (College Pulse, 2021) which purports to document greater difficulties faced by LGBT+ students than other students on Christian campuses, are not surprising given what is known about campus culture across all colleges and universities. Among its many weaknesses, including not being peer reviewed, its political origins, and its commercial nature, the REAP study assumes its findings are particular to only religious campuses, yet never considers or compares the experiences of LGBT+ students on secular campuses. Simply, the authors are drawing conclusions that cannot be made without direct comparison, and they failed to do that direct comparison.

13. Despite its limitations, the REAP study's findings (College Pulse, 2021), when taken at face value, can be compared with the results of scholarly studies carried out by professional researchers at major academic institutions. When this is done, the comparisons show that LGBT+ students face challenges at secular



universities that are very similar to the challenges they face at religious ones. These conclusions are revealed in seven national studies of public college campuses, conducted in 2016 and 2017, that were analyzed in the aggregate by researchers at Rutgers University, in collaboration with colleagues at Indiana University, University of Minnesota, and UCLA (Greathouse et al., 2018).

14. A full comparison of these two reports is not practicable in this context, but a fair overview assessment would be that LGBT+ students do measurably worse than their heterosexual/cis-gender peers at *both* religious and secular/public colleges. The studies show that LGBT+ students at Christian colleges share more common experiences with their counterparts at secular/public institutions than has been suggested. Indeed, in some important respects, LGBT+ students appear to do somewhat better at religious colleges than they do at their secular, public counterparts. There can be no absolute comparisons across the REAP report (College Pulse, 2021) and the Rutgers study (Greathouse et al., 2018), as the research questions are not identical. But there are questions that are similar enough to allow some meaningful comparisons. For instance, the REAP report highlights the fact that “four in ten sexual or gender minority students” are “uncomfortable with their sexual identity [or their gender identity] on campus” at religious colleges (College Pulse, p. 4, 6-7). But the Rutgers report indicates that *five* in ten queer-spectrum students and *seven* in ten trans-spectrum students do not feel “respected” on their secular, public campus (Greathouse et al., p. 14-15).

15. Similarly, the REAP report (College Pulse, 2021) asserts that about 64% of “sexual minority students” and 66% of gender minority students reported isolation and loneliness at their religious colleges, about 18% more than “straight” students on the same campuses (College Pulse, p. 13, 9). What the Rutgers study reveals, however, is that just over 79% of queer-spectrum students on public campuses report feeling very lonely in the past year, which is 20% more than their straight peers on their own campuses, and 15% more than their sexual minority peers on religious campuses (Greathouse et al., 2018, p. 23).

16. The reported numbers for depression and suicidal thoughts amongst sexual minority student is almost identical between the two settings. The figures at Christian colleges are 60% (depression) and 20% (suicidal thoughts) and, in the last 12 months, about 60% (depression) and 23.5% (suicidal thoughts) at secular colleges (College Pulse, 2021, p. 13; Greathouse et al., 2018, p. 23). The similarity of these numbers is actually surprising, given that the REAP figures were obtained during the pandemic, where levels of anxiety and depression have been considerably higher than when the Rutgers numbers were obtained in 2016 and 2017. For example, in one study of 2031 college students from a major public university, 71.3% reported increased stress and anxiety during the pandemic with 80.6% experiencing depression, 71.8% experiencing anxiety, and 18.0% experiencing suicidal thoughts (Wang et al., 2020). In another nationwide study of 336,525 adults, rates of depression and anxiety were three times higher than normal during the pandemic (Twenge & Joiner, 2020).

17. On more serious questions of the violation of basic personal security, such as physical and sexual assault, it appears that sexual minority students were *more* likely to suffer such affronts on secular/public campuses than on religious campuses. Sexual minority students were more than three times as likely to be physically assaulted (1% versus 3%) or sexually assaulted (16.6% versus 5%) on secular versus religious campuses. Also, the gap between the physical and sexual safety of straight versus sexual minority students was *greater* on secular than on religious campuses. There was virtually no difference between the physical safety of straight and sexual minority students on religious campuses (1% for each), and a difference on sexual assault of about 2% versus 5%. (College Pulse, 2021, p. 13; Greathouse et al., 2018, p. 25).

18. The relationship between faith and sexual/gender identity on Christian campuses is more complex than many would anticipate. Yes, some LGBT+ students on such campuses, about 1 out of 10, have had difficult experiences and are experiencing psychological distress warranting clinical concern and intervention, but such outcomes are far less common than one might anticipate. Approximately 4 out of 10 LGBT+ students show moderate levels of distress, but still below the threshold of diagnosable psychological disorders. About 1 out of 2 are doing quite well, with little to no distress (Wolff et al., 2016; Yarhouse et al., 2018), which is better than is typically seen across college students in general (CCMH, 2015).

19. One narrative is that Christian colleges and universities are not good places for LGBT+ students because of the faith-based views on sexuality, particularly

religious beliefs and policies, that ask students to put boundaries around any sexual behavior outside marriage between a man and a woman, including any same-sex sexual behavior. While a few LGBT+ students attend these schools because of family, social, and financial pressures, most volitionally choose these schools despite their institutional beliefs and policies regarding sex and sexuality. This choice is made for a variety of reasons, including personal faith, specific educational programs, quality of education, strong communities, opportunity to understand multiple perspectives, and support for managing their sexuality (Yarhouse et al., 2018). It is common knowledge that private schooling, including Christian higher education, is typically more expensive than state schools. It is striking that these students would choose to pay more to attend a school with these policies instead of paying less to attend a school without these policies, if the former were really more difficult for them overall.

20. Further, most of these students make this choice while knowing the institutional policies on sexuality. In a nationwide study of 160 LGB students from 15 Christian colleges and universities (Yarhouse et al., 2018), only about one out of ten claimed to be unaware of the policies on sexuality when they matriculated, suggesting that 9 out of 10 were aware. In fact, 40% indicated they quietly disagreed with the policies, and 19.4% said they were outspoken about their disagreement. However, nearly one out of three (31.3%) said that they came to their university because they agreed with the existing policies. Of the latter group, some reported in interviews that they had had little awareness of how these policies would interact with their sexual identity development later in their college careers, and others

believed these policies helped them steward their sexuality in congruence with their faith.

21. In general, LGBT+ students with higher levels of personal faith tend to agree with institutional policies based on traditional, orthodox Christian views of sexuality (Yarhouse et al., 2009; Stratton et al., 2013; Yarhouse et al., 2017; Yarhouse et al., 2018) as these policies fit with their personal beliefs. As expected then, those LGBT+ students with higher levels of faith reported holding more conservative views about both the causation and nature of same-sex sexual attraction and the morality of same-sex sexual behavior (Yarhouse et al., 2018). Attitudes regarding the moral acceptability of the behavior were more strongly related to faith than were understandings of causality, with the more religious students being less accepting of these behaviors. For this particular subgroup of LGBT+ students, their Christian colleges and universities were a very good “fit” for them in terms of faith and beliefs about sexuality.

22. LGBT+ students of faith are likely to have better outcomes when they are given opportunities to integrate their faith and sexual/gender identities together. Meanley et al. (2016) suggested sexual minorities would psychologically benefit from more attention given to their religious and spiritual needs, particularly through assisting them to navigate these conflicting identities. In fact, most Christian LGBT+ students prefer to find a way to hold their faith and their sexual/gender identities together, rather than rejecting either of them (Yarhouse et al., 2018; Chestna, 2016). Christian colleges and universities are uniquely positioned and resourced to do this

well, especially as these campuses have become better supports for their LGBT+ students (Yarhouse et al., 2018).

23. There is a different story, a different experience, for every individual LGBT+ student of faith (Yarhouse et al., 2009, 2017, 2018; Stratton et al., 2013). There are so many ways in which the individual differences among these students, as well as the unique stage of life and context in which they navigate these concerns, make it difficult to land on one coherent narrative that fits everyone's experience. The sheer breadth of attitudes, beliefs, and experiences, all still "under construction," mitigate against one overarching perspective that will encapsulate every LGBT+ student attending these private liberal arts Christian campuses. The nature of the interaction of sexuality/gender and faith in the context of Christian community requires almost an idiographic approach. The complexities should lead us away from easy answers ("These campuses are harmful to everyone..." or "These campuses are good fits for everyone...") and toward more nuanced reflection on sexuality/gender, human development, and flourishing. The plurality and diversity of colleges and universities allow these students to find the best place for their education, growth, and well-being. Plaintiffs' proposal to end all federal funding for students who desire to attend religious schools would cut off this important option for LGBT+ students who want it and find that it does foster their development.

I make the foregoing statements based on my knowledge, information and belief, under penalty of perjury.

*Shirley Hoogstra*

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Shirley Hoogstra, President  
Council for Christian Colleges & Universities

DATED this 15th day of October, 2021.

## Appendix A – References

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# CCCU Hoogstra Declaration Final3

Final Audit Report

2021-10-15

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